

AMENDMENTS TO THE CLAIMS

1. **(Currently Amended)** ~~The use of a preparation based on A~~  
method for the intra-operative treatment of a tumor to inhibit  
dissemination of tumor cells, which comprises administering to  
the patient an antibody directed against a tumor-associated  
antigen, for preparing a medicament for the during an intra-  
operative treatment of tumor patients by whereby  
immunocomplexing of tumor cells within the scope of the surgical  
interventions, the preparation being utilized for the  
prophylactic treatment to prevent inhibits dissemination of  
tumor cells.

2. **(Currently Amended)** ~~The use method according to claim 1,~~  
~~characterised in that wherein~~ the antibody is directed against  
an epitope of a surface antigen of a tumor cell.

3. **(Currently Amended)** ~~The use method according to claim 1~~  
~~or 2, characterised in that wherein~~ the tumor cell is an  
epithelial tumor cell.

4. **(Currently Amended)** ~~The use method according to any one of~~  
~~claims 1 to 3, characterised in that wherein~~ the antibody is  
directed against an epitope of an antigen selected from the  
group consisting of peptides, or proteins, in particular EpCAM,  
NCAM, CEA, the carbohydrates, in particular Lewis X, Sialyl-TN,  
Globe-H, and the glycolipids, in particular GD2, GD3 and GM2.

5. **(Currently Amended)** ~~The use method according to any one of~~  
~~claims 1 to 4, characterised in that wherein~~ the antibody is  
used in an antibody mixture of various antibodies having a  
specificity for tumor-associated antigens.

6. **(Currently Amended)** ~~The use method according to any one of~~  
~~claims 1 to 5, characterised in that wherein~~ the antibody  
functionally activates the immune system, according to an ADCC  
and CDC effector function.

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7. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 6~~, characterised in that ~~wherein~~ the antibody binds to the tumor-associated antigen with an affinity corresponding to a dissociation constant below a Kd value of  $10^{-6}$  mol/l, ~~preferably less than  $10^{-7}$  mol/l, most preferred  $10^{-8}$  mol/l, or less.~~

8. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 7~~, characterised in that the antibody is derived from murine, chimeric, humanized and/or human sources.

9. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 8~~, characterised in that ~~wherein~~ the medicament is systemically used with a single dose of at least 50 mg, ~~preferably at least 100 mg, most preferred at least 200 mg, to up to 2 g per patient.~~

10. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 9~~, characterised in that ~~wherein~~ the medicament is locally applied to the tumor tissue and/or to the wound area.

11. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 10~~, characterised in that ~~wherein~~ the medicament is administered immediately during or before, ~~preferably within 24 hours, preferably within 4 hours, before~~ the surgical intervention.

12. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 11~~, characterised in that ~~wherein~~ the surgical intervention is carried out for a biopsy and/or for the removal of a solid tumor.

13. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 12~~, characterised in that ~~wherein~~ the surgical intervention is carried out for a determination regarding the malignancy of a tumor.

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14. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 13~~, ~~characterised in that wherein~~ the antibody is determined on the immunocomplexed tumor tissue after the surgical intervention.

15. **(Currently Amended)** The ~~use method~~ according to ~~any one of~~ claims 1 ~~to 14~~, ~~characterised in that wherein~~ the antibody is determined on tumor cells in blood or serum samples.

16. **(Original)** A kit for the intra-operative treatment of tumor patients, comprising

- a) a medicament based on an antibody directed against a tumor-associated antigen, and
- b) a means for the diagnostic determination of malignant tumor cells which are immunocomplexed with the antibody.

17. **(New)** The method according to claim 4, wherein the antigen is a member selected from the group consisting of EpCAM, NCAM, CEA, Lewis Y, Sialyl-TN, Globo H, GD2, GD3 and GM2.

18. **(New)** The method according to claim 7, wherein said Kd value is  $10^{-7}$  mol/l.

19. **(New)** The method according to claim 7, wherein said Kd value is  $10^{-8}$  mol/l.

20. **(New)** The method according to claim 8, wherein said single does is at least 100 mg.

21. **(New)** The method according to claim 8, wherein said single does is at least 200 mg.

22. **(New)** The method according to claim 8, wherein said single does is at most 2 mg.

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23. (New) The method according to claim 11, wherein the medicament is administered within 24 hours before the surgical intervention.

24. (New) The method according to claim 11, wherein the medicament is administered within 4 hours before the surgical intervention.